IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 26339 of 2000**

Between:

M.E.S. Employees Co-operative House Rep by its Secretary,
Building Society Limited, Visakhapatnam.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Pendurthi Mandal, Visakhapatnam District.
2 Sri Varaha Lakshmi Narsimha Swamy, Rep by its Executive Officer,
Vari Devasthanam, Simhachalam.
3 The Revenue Divisional Officer,
Visakhapatnam, Visakhapatnam District.
4 State of Andhra Pradesh Rep by its Secretary to Governement,
Revenue Department, Secretariat,
Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order direction more particularly one in the nature of Writ of Mandamus declaring the patta granted to the 2nd respondent Devasthanam in respect of S.No.36,38,39,41,42,43, & 47/2 in Cheemalapalli Village in respect of which petitioner and its members are in possession exercising ownership rights as illegal and void and consequently set aside the same and direct the respondent not to interfere with the possession and enjoyment of the petitioner and its Members.

**Counsel for the Petitioner: MR.D.V.SITARAMAMURTHY**

**Counsel for the Respondent Nos.1,3 and 4: GP FOR REVENUE**

**Counsel for the Respondent No.2: --**

**This Court made the following:**

**ORDER:**

The petitioner seeks a Mandamus declaring the patta granted to the second respondent-Devasthanam in respect of land in Survey Nos.36,38,39,41,42,43,45 and 47/2 in Cheemalapalli Village in respect of which the members of the petitioner are in possession exercising ownership rights as illegal and arbitrary and consequently to set aside the said patta and to direct the respondents not to interfere with the possession and enjoyment of the members of the petitioner.

When the matter came up for hearing, it is represented by the learned Government Pleader that against the impugned order, an effective alternative remedy of appeal is provided under Section 7(2) of the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956. In view of the same, it is evident that the petitioner approached this Court without availing such an alternative remedy of appeal provided under the Statute. Hence, I do not see any merit in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. However, in view of the facts and circumstances of the case, the petitioner is permitted to file such an appeal within a period of four weeks from today. Till such time, *status quo* granted by this Court on 29-12-2000 shall continue.

No costs.

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**(ELIPE DHARMA RAO, J)**

Date:13-07-2005

ghn

To

1 The Mandal Revenue Officer,
Pendurthi Mandal, Visakhapatnam District.

2 The Executive Officer, Sri Varaha Lakshmi Narsimha Swamy

Vari Devasthanam, Simhachalam.

3 The Revenue Divisional Officer,
Visakhapatnam, Visakhapatnam District.

4 The Secretary to Government, State of Andhra Pradesh,

Revenue Department, Secretariat,
Saifabad, Hyderabad.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 One CC to Mr. MR.D.V.SITARAMAMURTHY

7 Two CD copies.